Adopted	Rejected

COMMITTEE REPORT

YES: 10
NO: 0

MR. SPEAKER:

*Your Committee on __**Public Health**__, to which was referred ___Senate Bill 561___, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1   Delete the title and insert the following:
2   A BILL FOR AN ACT to amend the Indiana Code concerning
3   health and to make an appropriation.
4   Page 4, between lines 10 and 11, begin a new paragraph and insert:
5   "SECTION 2. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999,
6   SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7   JULY 1, 2001]: Sec. 15. (a) As used in this section, "attributed levy" of
8   a civil taxing unit means the sum of:
9   (1) the ad valorem property tax levy of the civil taxing unit that is
10   currently being collected at the time the allocation is made; plus
11   (2) the current ad valorem property tax levy of any special taxing
12   district, authority, board, or other entity formed to discharge
13   governmental services or functions on behalf of or ordinarily
14   attributable to the civil taxing unit; plus
15   (3) the amount of federal revenue sharing funds and certified
16   shares that were used by the civil taxing unit (or any special

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1   taxing district, authority, board, or other entity formed to
2   discharge governmental services or functions on behalf of or
3   ordinarily attributable to the civil taxing unit) to reduce its ad
4   valorem property tax levies below the limits imposed by
5   IC 6-1.1-18.5; plus
6   (4) in the case of a county, an amount equal to:
7   **(A)** the property taxes imposed by the county in 1999 for the
8   county's welfare fund and welfare administration fund; **plus**
9   **(B) after December 31, 2002, the greater of zero (0) or the**
10   **difference between:**
11   **(i) the county hospital care for the indigent property tax**
12   **levy imposed by the county in 2002, adjusted each year**
13   **after 2002 by the statewide average assessed value**
14   **growth quotient described in IC 12-16-14-3; minus**
15   **(ii) the current uninsured parents program property tax**
16   **levy imposed by the county.**
17 (b) The part of a county's certified distribution that is to be used as
18 certified shares shall be allocated only among the county's civil taxing
19 units. Each civil taxing unit of a county is entitled to receive a
20 percentage of the certified shares to be distributed in the county equal
21 to the ratio of its attributed levy to the total attributed levies of all civil
22 taxing units of the county.
23 (c) The local government tax control board established by
24 IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing
25 units that are entitled to receive certified shares during a calendar year.
26 If the ad valorem property tax levy of any special taxing district,
27 authority, board, or other entity is attributed to another civil taxing unit
28 under subsection (b)(2), then the special taxing district, authority,
29 board, or other entity shall not be treated as having an attributed levy
30 of its own. The local government tax control board shall certify the
31 attributed levy amounts to the appropriate county auditor. The county
32 auditor shall then allocate the certified shares among the civil taxing
33 units of ~~his~~ **the auditor's** county.
34 (d) Certified shares received by a civil taxing unit shall be treated
35 as additional revenue for the purpose of fixing its budget for the
36 calendar year during which the certified shares will be received. The
37 certified shares may be allocated to or appropriated for any purpose,
38 including property tax relief or a transfer of funds to another civil

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1   taxing unit whose levy was attributed to the civil taxing unit in the

2   determination of its attributed levy.

3   SECTION 3. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999,

4   SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

5   JULY 1, 2001]: Sec. 17.6. (a) This section applies to a county

6   containing a consolidated city.

7   (b) On or before July 15 of each year, the budget agency shall make

8   the following calculation:

9   STEP ONE: Determine the cumulative balance in a county's

10   account established under section 16 of this chapter as of the end

11   of the current calendar year.

12   STEP TWO: Divide the amount estimated under section 17(b) of

13   this chapter before any adjustments are made under section 17(c)

14   or 17(d) of this chapter by twelve (12).

15   STEP THREE: Multiply the STEP TWO amount by three (3).

16   STEP FOUR: Subtract the amount determined in STEP THREE

17   from the amount determined in STEP ONE.

18   (c) For 1995, the budget agency shall certify the STEP FOUR

19   amount to the county auditor on or before July 15, 1994. Not later than

20   January 31, 1995, the auditor of state shall distribute the STEP FOUR

21   amount to the county auditor to be used to retire outstanding

22   obligations for a qualified economic development tax project (as

23   defined in IC 36-7-27-9).

24   (d) After 1995, the STEP FOUR amount shall be distributed to the

25   county auditor in January of the ensuing calendar year. The STEP

26   FOUR amount shall be distributed by the county auditor to the civil

27   taxing units within thirty (30) days after the county auditor receives the

28   distribution. Each civil taxing unit's share equals the STEP FOUR

29   amount multiplied by the quotient of:

30   (1) the maximum permissible property tax levy under

31   IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an

32   amount equal to:

33   **(A)** the property taxes imposed by the county in 1999 for the

34   county's welfare administration fund; **plus**

35   **(B) after December 31, 2002, the greater of zero (0) or the**

36   **difference between:**

37   **(i) the county hospital care for the indigent property tax**

38   **levy imposed by the county in 2002, adjusted each year**

1   **after 2002 by the statewide average assessed value**
2   **growth quotient described in IC 12-16-14-3; minus**
3   **(ii) the current uninsured parents program property tax**
4   **levy imposed by the county;** divided by
5   (2) the sum of the maximum permissible property tax levies under
6   IC 6-1.1-18.5 for all civil taxing units of the county, plus an
7   amount equal to:
8   **(A)** the property taxes imposed by the county in 1999 for the
9   county's welfare administration fund; **plus**
10   **(B) after December 31, 2002, the greater of zero (0) or the**
11   **difference between:**
12   **(i) the county hospital care for the indigent property tax**
13   **levy imposed by the county in 2002, adjusted each year**
14   **after 2002 by the state average assessed value growth**
15   **quotient described in IC 12-16-14-3; minus**
16   **(ii) the current uninsured parents program property tax**
17   **levy imposed by the county.**
18   SECTION 4. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999,
19   SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20   JULY 1, 2001]: Sec. 18. (a) The revenue a county auditor receives
21   under this chapter shall be used to:
22   (1) replace the amount, if any, of property tax revenue lost due to
23   the allowance of an increased homestead credit within the county;
24   (2) fund the operation of a public communications system and
25   computer facilities district as provided in an election, if any, made
26   by the county fiscal body under IC 36-8-15-19(b);
27   (3) fund the operation of a public transportation corporation as
28   provided in an election, if any, made by the county fiscal body
29   under IC 36-9-4-42;
30   (4) make payments permitted under IC 36-7-15.1-17.5;
31   (5) make payments permitted under subsection ~~(l);~~ **(i);** and
32   (6) make distributions of distributive shares to the civil taxing
33   units of a county.
34   (b) The county auditor shall retain from the payments of the county's
35   certified distribution, an amount equal to the revenue lost, if any, due
36   to the increase of the homestead credit within the county. This money
37   shall be distributed to the civil taxing units and school corporations of
38   the county as though they were property tax collections and in such a

1   manner that no civil taxing unit or school corporation shall suffer a net

2   revenue loss due to the allowance of an increased homestead credit.

3   (c) The county auditor shall retain the amount, if any, specified by

4   the county fiscal body for a particular calendar year under subsection

5   ~~(l),~~ **(i),** IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the

6   county's certified distribution for that same calendar year. The county

7   auditor shall distribute amounts retained under this subsection to the

8   county.

9   (d) All certified distribution revenues that are not retained and

10   distributed under subsections (b) and (c) shall be distributed to the civil

11   taxing units of the county as distributive shares.

12   (e) The amount of distributive shares that each civil taxing unit in

13   a county is entitled to receive during a month equals the product of the

14   following:

15   (1) The amount of revenue that is to be distributed as distributive

16   shares during that month; multiplied by

17   (2) A fraction. The numerator of the fraction equals the total

18   property taxes that are first due and payable to the civil taxing

19   unit during the calendar year in which the month falls, plus, for a

20   county, an amount equal to the property taxes imposed by the

21   county in 1999 for the county's welfare fund and welfare

22   administration fund, **and after December 31, 2002, the greater**

23   **of zero (0) or the difference between the county hospital care**

24   **for the indigent property tax levy imposed by the county in**

25   **2002, adjusted each year after 2002 by the statewide average**

26   **assessed value growth quotient described in IC 12-16-14-3,**

27   **minus the current uninsured parents program property tax**

28   **levy imposed by the county.** The denominator of the fraction

29   equals the sum of the total property taxes that are first due and

30   payable to all civil taxing units of the county during the calendar

31   year in which the month falls, plus an amount equal to the

32   property taxes imposed by the county in 1999 for the county's

33   welfare fund and welfare administration fund, **and after**

34   **December 31, 2002, the greater of zero (0) or the difference**

35   **between the county hospital care for the indigent property tax**

36   **levy imposed by the county in 2002, adjusted each year after**

37   **2002 by the statewide average assessed value growth quotient**

38   **described in IC 12-16-14-3, minus the current uninsured**

1   **parents program property tax levy imposed by the county.**

2   (f) The state board of tax commissioners shall provide each county

3   auditor with the fractional amount of distributive shares that each civil

4   taxing unit in the auditor's county is entitled to receive monthly under

5   this section.

6   (g) Notwithstanding subsection (e), if a civil taxing unit of an

7   adopting county does not impose a property tax levy that is first due

8   and payable in a calendar year in which distributive shares are being

9   distributed under this section, that civil taxing unit is entitled to receive

10   a part of the revenue to be distributed as distributive shares under this

11   section within the county. The fractional amount such a civil taxing

12   unit is entitled to receive each month during that calendar year equals

13   the product of the following:

14   (1) The amount to be distributed as distributive shares during that

15   month; multiplied by

16   (2) A fraction. The numerator of the fraction equals the budget of

17   that civil taxing unit for that calendar year. The denominator of

18   the fraction equals the aggregate budgets of all civil taxing units

19   of that county for that calendar year.

20   (h) If for a calendar year a civil taxing unit is allocated a part of a

21   county's distributive shares by subsection (g), then the formula used in

22   subsection (e) to determine all other civil taxing units' distributive

23   shares shall be changed each month for that same year by reducing the

24   amount to be distributed as distributive shares under subsection (e) by

25   the amount of distributive shares allocated under subsection (g) for that

26   same month. The state board of tax commissioners shall make any

27   adjustments required by this subsection and provide them to the

28   appropriate county auditors.

29   ~~(f)~~ **(i)** Notwithstanding any other law, a county fiscal body may

30   pledge revenues received under this chapter to the payment of bonds

31   or lease rentals to finance a qualified economic development tax

32   project under IC 36-7-27 in that county or in any other county if the

33   county fiscal body determines that the project will promote significant

34   opportunities for the gainful employment or retention of employment

35   of the county's residents.

36   SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999,

37   SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

38   JULY 1, 2001]: Sec. 18.5. (a) This section applies to a county

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1   containing a consolidated city.
2   (b) Notwithstanding section 18(e) of this chapter, the distributive
3   shares that each civil taxing unit in a county containing a consolidated
4   city is entitled to receive during a month equals the following:
5   (1) For the calendar year beginning January 1, 1995, calculate the
6   total amount of revenues that are to be distributed as distributive
7   shares during that month multiplied by the following factor:
8   Center Township   .0251
9   Decatur Township   .00217
10   Franklin Township   .0023
11   Lawrence Township   .01177
12   Perry Township   .01130
13   Pike Township   .01865
14   Warren Township   .01359
15   Washington Township   .01346
16   Wayne Township   .01307
17   Lawrence-City   .00858
18   Beech Grove   .00845
19   Southport   .00025
20   Speedway   .00722
21   Indianapolis/Marion County   .86409
22   (2) Notwithstanding subdivision (1), for the calendar year
23   beginning January 1, 1995, the distributive shares for each civil
24   taxing unit in a county containing a consolidated city shall be not
25   less than the following:
26   Center Township $1,898,145
27   Decatur Township $164,103
28   Franklin Township $173,934
29   Lawrence Township $890,086
30   Perry Township $854,544
31   Pike Township $1,410,375
32   Warren Township $1,027,721
33   Washington Township $1,017,890
34   Wayne Township $988,397
35   Lawrence-City $648,848
36   Beech Grove $639,017
37   Southport $18,906
38   Speedway $546,000

1 (3) For each year after 1995, calculate the total amount of
2 revenues that are to be distributed as distributive shares during
3 that month as follows:
4   STEP ONE: Determine the total amount of revenues that were
5   distributed as distributive shares during that month in calendar
6   year 1995.
7   STEP TWO: Determine the total amount of revenue that the
8   department has certified as distributive shares for that month
9   under section 17 of this chapter for the calendar year.
10   STEP THREE: Subtract the STEP ONE result from the STEP
11   TWO result.
12   STEP FOUR: If the STEP THREE result is less than or equal
13   to zero (0), multiply the STEP TWO result by the ratio
14   established under subdivision (1).
15   STEP FIVE: Determine the ratio of:
16   (A) the maximum permissible property tax levy under
17   IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for
18   the calendar year in which the month falls, plus, for a
19   county, an amount equal to the property taxes imposed by
20   the county in 1999 for the county's welfare fund and welfare
21   administration fund, **and after December 31, 2002, the**
22   **greater of zero (0) or the difference between the county**
23   **hospital care for the indigent property tax levy imposed**
24   **by the county in 2002, adjusted each year after 2002 by**
25   **the statewide average assessed value growth quotient**
26   **described in IC 12-16-14-3, minus the current uninsured**
27   **parents program property tax levy imposed by the**
28   **county;** divided by
29   (B) the sum of the maximum permissible property tax levies
30   under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing
31   units of the county during the calendar year in which the
32   month falls, and an amount equal to the property taxes
33   imposed by the county in 1999 for the county's welfare fund
34   and welfare administration fund, **and after December 31,**
35   **2002, the greater of zero (0) or the difference between**
36   **the county hospital care for the indigent property tax**
37   **levy imposed by the county in 2002, adjusted each year**
38   **after 2002 by the statewide average assessed value**

growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31,**

1   **2002, the greater of zero (0) or the difference between**

2   **the county hospital care for the indigent property tax**

3   **levy imposed by the county in 2002, adjusted each year**

4   **after 2002 by the statewide average assessed value**

5   **growth quotient described in IC 12-16-14-3, minus the**

6   **current uninsured parents program property tax levy**

7   **imposed by the county.**

8   SECTION 6. IC 6-3.5-7-12, AS AMENDED BY P.L.14-2000,

9 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

10 JULY 1, 2001]: Sec. 12. (a) Except as provided in section 23 of this

11 chapter, the county auditor shall distribute in the manner specified in

12 this section the certified distribution to the county.

13   (b) Except as provided in subsections (c) and (h) and section 15 of

14 this chapter, the amount of the certified distribution that the county and

15 each city or town in a county is entitled to receive during May and

16 November of each year equals the product of the following:

17   (1) The amount of the certified distribution for that month;

18   multiplied by

19   (2) A fraction. The numerator of the fraction equals the sum of the

20   following:

21   (A) Total property taxes that are first due and payable to the

22   county, city, or town during the calendar year in which the

23   month falls; plus

24   (B) For a county, an amount equal to:

25   **(i)** the property taxes imposed by the county in 1999 for the

26   county's welfare fund and welfare administration fund; **plus**

27   **(ii) after December 31, 2002, the greater of zero (0) or**

28   **the difference between the county hospital care for the**

29   **indigent property tax levy imposed by the county in**

30   **2002, adjusted each year after 2002 by the statewide**

31   **average assessed value growth quotient described in**

32   **IC 12-16-14-3, minus the current uninsured parents**

33   **program property tax levy imposed by the county.**

34   The denominator of the fraction equals the sum of the total

35   property taxes that are first due and payable to the county and all

36   cities and towns of the county during the calendar year in which

37   the month falls, plus an amount equal to the property taxes

38   imposed by the county in 1999 for the county's welfare fund and

| 1 | welfare administration fund, **and after December 31, 2002, the** |

1   welfare administration fund, **and after December 31, 2002, the**
2   **greater of zero (0) or the difference between the county**
3   **hospital care for the indigent property tax levy imposed by**
4   **the county in 2002, adjusted each year after 2002 by the**
5   **statewide average assessed value growth quotient described**
6   **in IC 12-16-14-3, minus the current uninsured parents**
7   **program property tax levy imposed by the county.**
8   (c) This subsection applies to a county council or county income tax
9 council that imposes a tax under this chapter after June 1, 1992. The
10 body imposing the tax may adopt an ordinance before July 1 of a year
11 to provide for the distribution of certified distributions under this
12 subsection instead of a distribution under subsection (b). The following
13 apply if an ordinance is adopted under this subsection:
14   (1) The ordinance is effective January 1 of the following year.
15   (2) The amount of the certified distribution that the county and
16   each city and town in the county is entitled to receive during May
17   and November of each year equals the product of:
18   (A) the amount of the certified distribution for the month;
19   multiplied by
20   (B) a fraction. For a city or town, the numerator of the fraction
21   equals the population of the city or the town. For a county, the
22   numerator of the fraction equals the population of the part of
23   the county that is not located in a city or town. The
24   denominator of the fraction equals the sum of the population
25   of all cities and towns located in the county and the population
26   of the part of the county that is not located in a city or town.
27   (3) The ordinance may be made irrevocable for the duration of
28   specified lease rental or debt service payments.
29   (d) The body imposing the tax may not adopt an ordinance under
30 subsection (c) if, before the adoption of the proposed ordinance, any of
31 the following have pledged the county economic development income
32 tax for any purpose permitted by IC 5-1-14 or any other statute:
33   (1) The county.
34   (2) A city or town in the county.
35   (3) A commission, a board, a department, or an authority that is
36   authorized by statute to pledge the county economic development
37   income tax.
38   (e) The state board of tax commissioners shall provide each county

1   auditor with the fractional amount of the certified distribution that the

2   county and each city or town in the county is entitled to receive under

3   this section.

4   (f) Money received by a county, city, or town under this section

5   shall be deposited in the unit's economic development income tax fund.

6   (g) Except as provided in subsection (b)(2)(B), in determining the

7   fractional amount of the certified distribution the county and its cities

8   and towns are entitled to receive under subsection (b) during a calendar

9   year, the state board of tax commissioners shall consider only property

10   taxes imposed on tangible property subject to assessment in that

11   county.

12   (h) In a county having a consolidated city, only the consolidated city

13   is entitled to the certified distribution, subject to the requirements of

14   section 15 of this chapter.

15   SECTION 7. IC 6-6-5-10, AS AMENDED BY P.L.273-1999,

16   SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17   JULY 1, 2001]: Sec. 10. (a) The bureau shall establish procedures

18   necessary for the collection of the tax imposed by this chapter and for

19   the proper accounting for the same. The necessary forms and records

20   shall be subject to approval by the state board of accounts.

21   (b) The county treasurer, upon receiving the excise tax collections,

22   shall receipt such collections into a separate account for settlement

23   thereof at the same time as property taxes are accounted for and settled

24   in June and December of each year, with the right and duty of the

25   treasurer and auditor to make advances prior to the time of final

26   settlement of such property taxes in the same manner as provided in

27   IC 5-13-6-3.

28   (c) The county auditor shall determine the total amount of excise

29   taxes collected for each taxing unit in the county and the amount so

30   collected (and the distributions received under section 9.5 of this

31   chapter) shall be apportioned and distributed among the respective

32   funds of each taxing unit in the same manner and at the same time as

33   property taxes are apportioned and distributed. **However, after**

34   **December 31, 2002, an amount equal to the greater of zero (0) or**

35   **the difference between the county hospital care for the indigent**

36   **property tax levy imposed by the county in 2002, adjusted each**

37   **year after 2002 by the statewide average assessed value growth**

38   **quotient described in IC 12-16-14-3, minus the current uninsured**

1 **parents program property tax levy imposed by the county, shall be**
2 **treated as property taxes apportioned to the county unit.** However,
3 for purposes of determining distributions under this section for 2000
4 and each year thereafter, the state welfare allocation for each county
5 equals the greater of zero (0) or the amount determined under STEP
6 FIVE of the following STEPS:
7   STEP ONE: For 1997, 1998, and 1999, determine the result
8   of:
9   ~~(I)~~ **(i)** the amounts appropriated by the county in the year
10   from the county's county welfare fund and county welfare
11   administration fund; divided by
12   (ii) the total amounts appropriated by all the taxing units in
13   the county in the year.
14   STEP TWO: Determine the sum of the results determined in
15   STEP ONE.
16   STEP THREE: Divide the STEP TWO result by three (3).
17   STEP FOUR: Determine the amount that would otherwise be
18   distributed to all the taxing units in the county under this
19   subsection without regard to this subdivision.
20   STEP FIVE: Determine the result of:
21   ~~(I)~~ **(i)** the STEP FOUR amount; multiplied by
22   (ii) the STEP THREE result.
23 The state welfare allocation shall be deducted from the total amount
24 available for apportionment and distribution to taxing units under this
25 section before any apportionment and distribution is made. The county
26 auditor shall remit the state welfare allocation to the treasurer of state
27 for deposit in a special account within the state general fund.
28   (d) Such determination shall be made from copies of vehicle
29 registration forms furnished by the bureau of motor vehicles. Prior to
30 such determination, the county assessor of each county shall, from
31 copies of registration forms, cause information pertaining to legal
32 residence of persons owning taxable vehicles to be verified from ~~his~~
33 **the assessor's** records, to the extent such verification can be so made.
34 ~~He~~ **The assessor** shall further identify and verify from ~~his~~ **the**
35 **assessor's** records the several taxing units within which such persons
36 reside.
37   (e) Such verifications shall be done by not later than thirty (30) days
38 after receipt of vehicle registration forms by the county assessor, and

1 the assessor shall certify such information to the county auditor for ~~his~~
2 **the auditor's** use as soon as it is checked and completed.".
3   Page 5, delete lines 36 through 42, begin a new paragraph and
4 insert:
5   "SECTION 12. IC 12-7-2-76.5, AS AMENDED BY P.L.95-2000,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2001]: Sec. 76.5. (a) "Emergency", for purposes of
8 IC 12-20, means an unpredictable circumstance or a series of
9 unpredictable circumstances that:
10   (1) place the health or safety of a household or a member of a
11   household in jeopardy; and
12   (2) cannot be remedied in a timely manner by means other than
13   township assistance.
14   (b) "Emergency", for purposes of IC 12-17.6, has the meaning set
15 forth in IC 12-17.6-1-2.6.
16   **(c) "Emergency", for purposes of IC 12-17.7, has the meaning**
17 **set forth in IC 12-17.7-4.**".
18   Page 6, delete lines 1 through 13.
19   Page 6, line 20, after "IC 12-14-2" insert ".".
20   Page 6, delete lines 37 through 41.
21   Page 7, line 11, delete "IC 12-17.7-1-4" and insert "**IC 12-17.7-1-5**".
22   Page 7, line 23, delete "IC 12-17.7-1-5" and insert "**IC 12-17.7-1-6**".
23   Page 8, line 41, delete "aggregated" and insert "**aggregate**".
24   Page 9, line 23, delete "pursuant to" and insert "**under**".
25   Page 9, line 37, delete "2002" and insert "**2000**".
26   Page 10, line 20, after "IC 4-21.5." insert "**The distribution to**
27 **other hospitals under STEP SEVEN of subsection (b) may not be**
28 **delayed due to an administrative appeal or judicial review**
29 **instituted by a hospital under this subsection. If necessary, the**
30 **office may make a partial distribution to other hospitals under**
31 **STEP SEVEN of subsection (b) pending the completion of a**
32 **hospital's administrative appeal or judicial review. A partial**
33 **distribution may be based upon estimates and trends calculated by**
34 **the office.**".
35   Page 10, delete lines 26 through 38, begin a new paragraph and
36 insert:
37   "**(g) This subsection applies to the state fiscal year beginning**
38 **July 1, 2000, and ending June 30, 2001. If federal law will not**

1   **permit the one hundred fifty percent (150%) calculation in STEP**
2   **THREE of subsection (b) to be applied to all services identified in**
3   **STEP ONE of subsection (b) for the state fiscal year, the amount**
4   **attributable to the services for purposes of the calculation in STEP**
5   **THREE of subsection (b) shall be the maximum amount available**
6   **without causing the amount calculated in STEP THREE of**
7   **subsection (b) to exceed the applicable Medicaid upper payment**
8   **limit.**".
9   Page 12, line 7, after "IC 16-22" insert "**, IC 16-22-8,**".
10   Page 12, line 39, delete ", as" and insert "**(as**".
11   Page 12, line 40, delete "by" and insert "**in**".
12   Page 12, line 40, delete "1395c," and insert "**1395c)**".
13   Page 16, line 35, delete "for".
14   Page 16, line 36, delete "payments under IC 12-15-15-1.1(b)".
15   Page 17, line 11, delete "pursuant" and insert "**under**".
16   Page 17, line 23, after "initial" insert "**annual**".
17   Page 17, line 26, delete "imposed in calendar".
18   Page 17, line 27, delete "year 2001".
19   Page 17, line 33, after "payable;" insert "**and**".
20   Page 17, delete lines 34 through 42.
21   Page 18, delete line 1.
22   Page 18, line 2, delete "(3)" and insert "**(2)**".
23   Page 18, line 6, after "preceding" insert "**calendar**".
24   Page 18, line 18, after "initial" insert "**annual**".
25   Page 18, line 22, delete "imposed in calendar year 2001".
26   Page 18, line 29, after "payable;" insert "**and**".
27   Page 18, delete lines 30 through 41.
28   Page 18, line 42, delete "(3)" and insert "**(2)**".
29   Page 19, line 1, delete "3(3)" and insert "**2(3)**".
30   Page 19, line 1, after "chapter" insert "**as applied to the county**".
31   Page 19, line 8, after "initial" insert "**annual**".
32   Page 19, line 12, delete "imposed in calendar year 2001".
33   Page 19, line 19, after "payable;" insert "**and**".
34   Page 19, delete lines 20 through 31.
35   Page 19, line 32, delete "(3)" and insert "**(2)**".
36   Page 19, line 33, delete "3(3)" and insert "**2(3)**".
37   Page 19, line 33, after "chapter" insert "**as applied to the county**".
38   Page 20, line 38, after "program" insert "**under IC 12-16-2**".

16

1   Page 20, line 40, delete "does" and insert "**may**".
2   Page 20, line 40, delete "either of".
3   Page 20, line 42, delete "The" and insert "**Any**".
4   Page 20, line 42, after "appropriation" insert "**required under state**
5   **law**".
6   Page 21, line 2, delete "year" and insert "**years**".
7   Page 21, line 2, delete "ending June 30, 2001" and insert "**July 1,**
8   **2001**".
9   Page 21, line 3, delete "under P.L.273-1999, SECTION 8,".
10   Page 21, line 3, after "of" insert "**payments under**".
11   Page 21, line 5, delete "year" and insert "**years**".
12   Page 21, line 5, delete "ending June 30, 2001" and insert "**July 1,**
13   **2001**".
14   Page 21, line 10, delete "year" and insert "**years**".
15   Page 21, line 10, delete "ending June 30, 2001" and insert "**July 1,**
16   **2001**".
17   Page 21, between lines 10 and 11, begin a new line block indented
18   and insert:
19   "**(3) For state fiscal years beginning after June 30, 2002, any**
20   **other appropriation required under state law from the state**
21   **hospital care for the indigent fund for the uninsured parents**
22   **program established under IC 12-17.7-2-2.**".
23   Page 21, line 14, delete "The office of".
24   Page 21, delete lines 15 through 18.
25   Page 21, line 24, delete "IC 12-16" and insert "**IC 12-16-2**".
26   Page 21, line 33, delete "IC 12-15-15-9(a) and".
27   Page 21, line 37, delete "IC 12-16" and insert "**IC 12-16-2**".
28   Page 21, line 42, delete "returned to the state hospital" and insert
29   "**distributed as follows:**
30   **STEP ONE: Calculate the total amount of funds deposited in**
31   **the state hospital care for the indigent fund for the period of**
32   **July 1, 2000, through June 30, 2001.**
33   **STEP TWO: Of the funds calculated under STEP ONE,**
34   **calculate the percentage of those funds transferred from the**
35   **state hospital care for the indigent fund for purposes of**
36   **funding Medicaid obligations and payments under**
37   **IC 12-15-15-9 for the state fiscal year beginning July 1, 2000.**
38   **STEP THREE: Multiply the amount calculated under STEP**

1   ONE by the percentage calculated under STEP TWO.

2   STEP FOUR: Transfer to the Medicaid indigent care trust

3   fund an amount equal to one hundred percent (100%) of the

4   amount calculated under STEP THREE for purposes of

5   funding the state's share of payments under IC 12-15-15-9(f).

6   STEP FIVE: Transfer the funds remaining after the transfer

7   under STEP FOUR to the state hospital care for the indigent

8   fund established under IC 12-16.1-13-3.".

9   Page 22, delete line 1.

10   Page 27, line 2, delete "IC 12-16.1-14" and insert "**IC 12-16.1-13**".

11   Page 27, line 34, delete "IC 12-16.1-16" and insert "**IC 12-16.1-14**".

12   Page 28, delete lines 11 through 34.

13   Page 28, line 35, delete "9." and insert "**8.**".

14   Page 28, line 41, delete "10." and insert "**9.**".

15   Page 29, line 35, delete "11." and insert "**10.**".

16   Page 30, line 6, delete "12." and insert "**11.**".

17   Page 30, line 33, delete "13." and insert "**12.**".

18   Page 30, line 40, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

19   Page 30, line 41, delete "IC 12-16.1-10" and insert "**IC 12-16.1-9**".

20   Page 31, line 2, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

21   Page 31, line 25, delete "IC 12-16.1-15" and insert "**IC 12-16.1-14**".

22   Page 31, line 38, delete "15." and insert "**14.**".

23   Page 32, line 19, delete "16." and insert "**15.**".

24   Page 33, between lines 13 and 14, begin a new paragraph and insert:

25   "**Sec. 4. "Emergency" means a medical condition manifesting**

26   **itself by acute symptoms, including severe pain, of sufficient**

27   **severity that a prudent lay person with an average knowledge of**

28   **health and medicine could reasonably expect the absence of**

29   **immediate medical attention to result in:**

30   **(1) serious jeopardy to the health of:**

31   **(A) the individual; or**

32   **(B) in the case of a pregnant woman, the woman or her**

33   **unborn child;**

34   **(2) serious impairment to bodily functions; or**

35   **(3) serious dysfunction of any bodily organ or part.**".

36   Page 33, line 14, delete "4." and insert "**5.**".

37   Page 33, line 16, delete "5." and insert "**6.**".

38   Page 33, line 20, delete "the secretary" and insert "**Medicaid policy**

1   **and planning established by IC 12-8-6-1**".

2   Page 34, line 2, after "an" insert "**open-ended**".

3   Page 34, line 3, delete "." and insert "**because enrollment levels**

4   **must be adjusted to prevent state expenditures beyond revenues**

5   **dedicated to fund the program.**".

6   Page 34, line 5, delete "the program is not an" and insert

7   "**enrollment levels must be adjusted to prevent state expenditures**

8   **beyond revenues dedicated to fund the program.**".

9   Page 34, delete line 6.

10   Page 34, delete lines 26 through 29, begin a new line block indented

11   and insert:

12   "**(1) The individual is at least nineteen (19) years of age.**".

13   Page 34, line 32, delete "at least twenty-six percent (26%);" and

14   insert "**more than the AFDC standard of July 16, 1996;**".

15   Page 35, line 10, delete ":".

16   Page 35, line 11, delete "(A)".

17   Page 35, line 11, delete "; or" and insert "**.**".

18   Page 35, run in lines 10 through 11.

19   Page 35, delete lines 12 through 13.

20   Page 35, delete line 17.

21   Page 35, delete lines 22 through 25, begin a new paragraph and

22   insert:

23   "**Sec. 4. An individual who meets the eligibility requirements of**

24   **section 1 of this chapter may apply to receive health care services**

25   **by:**

26   **(1) applying at an enrollment center as provided in**

27   **IC 12-15-4-1; or**

28   **(2) completing and mailing to the office an application form.**".

29   Page 36, line 13, delete "." and insert "**higher than those imposed**

30   **by the Medicaid managed care program.**".

31   Page 40, between lines 40 and 41, begin a new paragraph and insert:

32   "SECTION 36. IC 25-34.5-1-4.7, AS ADDED BY P.L.60-2000,

33   SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34   JULY 1, 2001]: Sec. 4.7. "Other authorized health care professional"

35   means a licensed health care professional whose scope of practice:

36   (1) includes the ~~respiratory care practice~~ **task** being supervised;

37   and

38   (2) authorizes the professional to supervise an individual who is

1 not licensed, certified, or registered as a health care professional.

2 SECTION 37. IC 25-34.5-2-6.4, AS ADDED BY P.L.60-2000,

3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2001]: Sec. 6.4. (a) **Notwithstanding any other law and**

5 **except as otherwise provided in this article, to perform a**

6 **respiratory care practice other than a task, an individual must be:**

7 **(1) a practitioner; or**

8 **(2) a licensed, registered, or certified health care professional**

9 **whose scope of practice includes the respiratory care practice.**

10 **(b)** An individual who is not a licensed, registered, or certified

11 health care professional may perform a task only:

12 (1) under the proximate supervision of a practitioner or other

13 authorized health care professional; and

14 (2) if the individual has demonstrated to the facility that employs

15 or contracts with the individual competency to perform the task.

16 The facility shall document competency in accordance with licensure,

17 certification, and accreditation standards applicable to the facility.

18 ~~(b)~~ **(c)** A practitioner may do the following:

19 (1) Delegate tasks.

20 (2) Supervise the performance of tasks.

21 SECTION 38. IC 25-34.5-2-14, AS ADDED BY P.L.60-2000,

22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

23 JULY 1, 2001]: Sec. 14. (a) The committee ~~may~~ **shall** issue a student

24 permit to an individual if the individual does the following:

25 (1) Submits the appropriate application to the committee.

26 (2) Pays the fee established by the board. **If the board does not**

27 **establish a fee for a student permit, the fee is fifty percent**

28 **(50%) of the fee for a license.**

29 (3) Submits **written** proof to the committee that the individual is

30 a student in good standing in a respiratory care **school or** program

31 **that has been:**

32 **(A)** approved by the committee **for purposes of section**

33 **8(b)(1) of this chapter;**

34 **(B) approved by the committee for purposes of section**

35 **10.1(a)(3)(B) of this chapter; or**

36 **(C) otherwise approved by the committee.**

37 **(4) Submits satisfactory evidence that the individual:**

38 **(A) does not have a conviction described in section 8(a)(1)**

1   **of this chapter; and**

2   **(B) has not been the subject of a disciplinary action**

3   **described in section 8(a)(2) of this chapter.**

4   **(b) The committee shall issue a student permit not later than**

5   **thirty (30) days after an individual fulfills the requirements of**

6   **subsection (a).**

7   ~~(b)~~ **(c)** An individual who holds a student permit may only perform

8   respiratory care procedures that have been part of a course:

9   (1) the individual has successfully completed in the respiratory

10   care program designated under subsection (a)(3); and

11   (2) for which the successful completion has been documented and

12   that is available upon request to the committee.

13   ~~(c)~~ **(d)** The procedures permitted by subsection (b) may be

14   performed only:

15   (1) on adult patients who are not critical care patients; and

16   (2) under the proximate supervision of a practitioner.

17   ~~(d)~~ **(e)** A student permit expires on the earliest of the following:

18   (1) The date the permit holder is issued a license under this

19   article.

20   (2) The date the committee disapproves the permit holder's

21   application for a license under this article.

22   (3) The date the permit holder ceases to be a student in good

23   standing in a respiratory care program approved by the

24   committee. The graduation of a student permit holder from a

25   respiratory care program approved by the committee does not

26   cause the student permit to expire under this subdivision.

27   (4) Two (2) years after the date of issuance.".

28   Page 41, line 10, delete "IC 12-16.1-13-1" and insert

29   **"IC 12-16.1-12-1"**.

30   Page 41, after line 42, begin a new paragraph and insert:

31   "SECTION 46. P.L.273-1999, SECTION 183, IS AMENDED TO

32   READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) As used

33   in this SECTION, "committee" refers to the select joint committee on

34   Medicaid oversight established by this SECTION.

35   (b) As used in this SECTION, "office" refers to the office of

36   Medicaid policy and planning.

37   (c) The select joint committee on Medicaid oversight is established.

38   (d) The committee consists of twelve (12) voting members

1   appointed as follows:

2   (1) Six (6) members shall be appointed by the president pro

3   tempore of the senate, not more than three (3) of whom may be

4   from the same political party.

5   (2) Six (6) members shall be appointed by the speaker of the

6   house of representatives, not more than three (3) of whom may be

7   from the same political party.

8   (e) A vacancy on the committee shall be filled by the appointing

9   authority.

10   (f) The president pro tempore of the senate shall appoint a member

11   of the committee to serve as chairman of the committee from:

12   (1) January 31, 1998, until December 31, 1998;

13   (2) January 1, 2000, until December 31, 2000; and

14   (3) January 1, 2002, until December 31, 2002.

15   (g) The speaker of the house of representatives shall appoint a

16   member of the committee to serve as chairman of the committee from:

17   (1) January 1, 1999, until December 31, 1999; and

18   (2) January 1, 2001, until December 31, 2001.

19   (h) The committee shall meet at the call of the chairman.

20   (I) **(i)** The committee shall study, investigate, and oversee the

21   following:

22   (1) Whether the contractor of the office under IC 12-15-30 that

23   has responsibility for processing provider claims for payment

24   under the Medicaid program has properly performed the terms of

25   the contractor's contract with the state.

26   (2) Legislative and administrative procedures that are needed to

27   eliminate Medicaid claims reimbursement backlogs, delays, and

28   errors.

29   (3) The establishment and implementation of a case mix

30   reimbursement system designed for Indiana Medicaid certified

31   nursing facilities developed by the office.

32   (4) Any other matter related to Medicaid.

33   (5) All matters related to the establishment and implementation

34   of the children's health insurance program established by

35   IC 12-17.6.

36   (j) If the office awards a contract for processing provider claims for

37   payment before January 1, 1999, the office shall submit the contract to

38   the:

1   (1) committee; and

2   (2) budget committee established by IC 4-12-1-3;

3   for review before signing the contract or a document related to the

4   contract.

5   (k) The committee is under the jurisdiction of the legislative

6   council. The legislative services agency shall provide staff support to

7   the committee.

8   (l) Unless specifically authorized by the legislative council, the

9   chairman may not create subcommittees.

10   **(m) Notwithstanding any other law, before a rule or policy is**

11   **adopted or amended by the office of the secretary of family and**

12   **social services or the office that concerns Medicaid reimbursement**

13   **or the coverage of services provided under the Medicaid program,**

14   **the committee shall review the rule or policy. The committee may**

15   **recommend that a rule or policy be modified, repealed, or adopted.**

16   ~~(m)~~ **(n)** The committee may not recommend proposed legislation to

17   the general assembly unless the proposed legislation is approved by a

18   majority of the voting members appointed to serve on the committee.

19   All votes taken by the committee must be:

20   (1) by roll call vote; and

21   (2) recorded.

22   ~~(n)~~ **(o)** This SECTION expires December 31, 2002.".

23   Page 43, line 7, after "IC 12-16.1" insert "**, as added by this act**".

24   Page 43, line 10, after "IC 12-16.1" insert "**, as added by this act**".

25   Page 43, between lines 11 and 12, begin a new paragraph and insert:

26   "SECTION 49. [EFFECTIVE JULY 1, 2001] **(a)**

27   **405 IAC 5-24-3(b)(1) is void. The publisher of the Indiana**

28   **Administrative Code and Indiana Register shall remove this**

29   **subdivision from the Indiana Administrative Code.**

30   **(b) Notwithstanding subsection (a), the office of the secretary of**

31   **family and social services is not required to provide weight loss**

32   **drugs under the state Medicaid plan. The office of the secretary of**

33   **family and social services may determine at the office's discretion,**

34   **after study, that because of the safety, efficiency, or cost**

35   **effectiveness on obesity or obesity's co-morbidities, weight loss**

36   **drugs may be included on the approved drug list subject to**

37   **formulary, prior authorization, other restrictions, or no**

38   **restrictions.**

1   **(c) This SECTION expires July 1, 2004.**

2   SECTION 50. [EFFECTIVE UPON PASSAGE] **(a) Beginning July**

3   **2, 2001, the respiratory care committee shall have an appropriate**

4   **application available for use by applicants for a student permit**

5   **under IC 25-34.5-2-14, as amended by this act.**

6   **(b) This SECTION expires July 31, 2001.**".

7   Renumber all SECTIONS consecutively.

       (Reference is to SB 561 as printed February 23, 2001.)

and when so amended that said bill do pass.

_____

Representative Brown C